

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HARRY J. WHITMAN,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

CASE NO. C11-5457 BHS-KLS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 62) and Plaintiff Harry J. Whitman’s (“Whitman”) objections to the R&R (Dkt. 66).

On June 29, 2012, Whitman filed a motion for a preliminary injunction requesting that the Court issue an order requiring the Washington Department of Corrections to serve Whitman specific meals during Ramadan 2012, which occurred July 19 through August 18. Dkt. 48. On September 6, 2012, Judge Strombom issued the R&R recommending that the Court deny the preliminary injunction because his requested relief falls outside of his complaint, which concerns events during Ramadan 2010. Dkt. 62.

1 On September 20, 2012, Whitman filed objections arguing that the alleged injuries are
2 similar and that the injuries are continuing. Dkt. 62.

3 Whitman's objections are without merit. First, the Court agrees with Judge
4 Strombom that the requested relief falls outside the scope of Whitman's complaint.
5 Second, the issue of an injunction is now moot because Ramadan 2012 is over.

6 Therefore, the Court having considered the R&R, Whitman's objections, and the
7 remaining record, does hereby find and order as follows:

- 8 (1) The R&R is **ADOPTED**; and
9 (2) Whitman's motion for a preliminary injunction is **DENIED**.

10 Dated this 22nd day of October, 2012.

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BENJAMIN H. SETTLE
United States District Judge